

employees have substantially changed. Local 2665 argues that the change in duties resulting from the revamping of the crew leader position to the shift supervisor position is not substantial enough to merit excluding shift supervisors from the bargaining unit.

The question of when a class of employees may be excluded from a bargaining unit after it has been specifically included in the unit is one that arises within the general subject of the appropriateness of a bargaining unit. This Board is authorized to hear and decide issues related to the appropriateness of bargaining units. § 105.525, RSMo. The Board held a hearing in St. Louis, Missouri, on August 12, 2009, to allow the parties to provide testimony and other evidence regarding the issues raised by the District's unit clarification petition. Board Chairman Jim Avery, Employer Member Emily Martin, and Employee Member Peggy Cochran were present in person to hear the case. Representatives of the District and of Local 148 attended the hearing and had a full opportunity to present evidence and make arguments. Both parties also took advantage of the opportunity they were given to file post-hearing briefs.

Based on our review of the whole record, including the evidence presented, arguments made, and briefing filed, we issue the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The District provides ambulance, emergency medical, and patient transfer services to Washington, Missouri, and that city's surrounding area. The District has twenty full-time employees, eighteen of whom are paramedics or emergency medical technicians (EMTs), and about sixteen part-time employees, also including paramedics and EMTs. Local 2665 is the exclusive bargaining representative of unit certified in 2003 to consist of the District's "full-time EMTs, Paramedics, Crew Leaders and Assistant Administrator; excluding Administrator and all other employees."

The District operates in three shifts. Each shift is in the charge of a shift supervisor, who is also a paramedic or EMT. The shift supervisor position is one that has grown out of the former position of crew leader. Even at the time of the certification of the bargaining unit, the

persons in the crew leader position were generally already referred to as shift supervisors. At the time the crew leader position was transformed into a position formally called shift supervisor, the two individuals then serving as crew leaders became shift supervisors. The individual who had been serving as the District's assistant administrator assumed the third shift supervisor position. The assistant administrator position, which was eliminated at that time, was also a position included within the bargaining unit as originally certified.

The District employs personnel at its headquarters and at a satellite station. During each shift, two ambulance crews operate out of the headquarters and one crew operates out of the satellite station. Each ambulance crew generally consists of two members and each member of an ambulance crew is licensed as either a paramedic or an EMT. Thus, shift supervisors typically have six persons reporting to them. The current job description for shift supervisor states that they "are responsible for the supervision of assigned EMS [emergency medical services] crews on a specific shift on a day-to-day basis and maintaining the District's operational readiness." The shift supervisors report to the Chief (formerly known as the Administrator), who is the highest ranking officer in the District. The shift supervisors meet at least once a week with the Chief to discuss operational issues. At shift changes, the outgoing shift supervisor gives the incoming shift supervisor an operations report to insure a smooth transition between shifts.

Shift supervisors are paid at the same basic hourly rate as the District's paramedics with similar lengths of service, but they also receive an additional \$3900.00 per year. This is roughly 12 to 14 percent more than similarly experienced paramedics.

Shift supervisors assign the paramedic and EMT crew members to their shifts. There is "a certain list" of daily duties that crew members are responsible for, but it is the shift supervisor that decides which crew member is to perform which duty. The shift supervisors are not required to engage in these daily duties themselves, but they often do. The shift supervisor also sees that the equipment is kept in working order and, if it is not, makes arrangements for necessary repairs. Generally, the shift supervisors are responsible for making sure that all the

necessary work is done at both of the District's stations and that the ambulance operations are running smoothly. To reflect completion of the required work at the stations, shift supervisors complete and sign the daily duty form and submit the completed form along with patient care reports, vehicle checklists, and other pertinent paperwork from the shift. Shift supervisors are to keep the Chief advised as to what is going on at the stations. In the Chief's absence, shift supervisors have the authority to approve requests from crew members to trade shifts with one another. If a crew member calls in sick, the shift supervisor calls in someone else to fill the crew.

When the crew leader position was in use, the crew leader was the one the other paramedics and EMTs would go to for direction. Crew leaders inspected the station, the crew, and the vehicles on a regular basis. Crew leaders also completed, signed, and submitted the daily duty forms and the patient care reports and the vehicle checklists. Crew leaders approved requests of crew members to trade shifts in the Chief's absence. Crew leaders participated in the daily work duties of the station, but less so than shift supervisors do now. The daily duties now are less individually time-consuming than they were because the number of crew members is larger now.

Shift supervisors have the discretion to go on ambulance calls or not. They do go on most emergency calls. When they decide to go on a call, they have a separate vehicle to use. In the previous organization, crew leaders served as one member of the two-person ambulance crews. Shift supervisors now serve as part of an ambulance crew only when they need to fill in when a station is short-staffed. As part of an ambulance crew, crew leaders were directly responsible for patient care. When a shift supervisor responds to a call, he manages the scene, while the ambulance crew provides patient care. Tasks involved in managing the scene include coordinating with other agencies (such as fire and police departments), determining whether additional resources need to be called in, speaking with family members of the patient that may be present, getting additional information, and generally handling peripheral matters. Crew leaders, in their day, monitored the field activities during calls.

When they go on calls, shift supervisors work with and observe crew members to assess their skills. Before shift supervisors, crew leaders also worked with crew members and evaluated their operational readiness. Shift supervisors perform quarterly and annual evaluations of the crew members. Crew leaders also prepared quarterly and annual evaluations on their subordinates.

Shift supervisors have the authority to advise employees of performance problems and to give verbal counseling or written warnings for violations of District policies and procedures. It is the Chief that decides whether or not to put a written warning in an employee's personnel file. Shift supervisors do not have the authority to suspend or terminate employees. They may make a recommendation for such action to the Chief, who would then decide whether to take the matter to the District Board. Only the District Board can terminate an employee or suspend an employee without pay. The Chief has the authority to suspend a crew member with pay. Shift supervisors do not.

Shift supervisors are involved in the process of hiring paramedics and EMTs through participation in the testing and interview process. After applicants clear a background check performed by the Chief, they are scheduled for an interview with a panel consisting of the shift supervisors, one or two members of the Ambulance District Board, and, occasionally, the Chief. Applicants also take a written test made up of 50 multiple choice questions relating to patient care and an essential functions test in which applicants are presented with scenarios that might be faced on an ambulance call and asked how they would respond. The essential functions tests are graded by the interview panel. The shift supervisors make a recommendation regarding the applicant to the Chief, who then makes his recommendation to the Board. The Board then decides who to make an offer to.

Crew leaders also took part in the interview process with Board members. Crew leaders also made recommendations regarding the candidates to the Chief (or Administrator, as he was called at that time), who would then make his recommendation to the Board

New crew members serve an initial probationary period. Shift Supervisors assess the performance of the new hires during this period and give recommendations to the Chief regarding their performance at the supervisors' meetings.

When asked what differences there were between shift supervisors and crew leaders, the Chief testified that, with crew leaders, "everything came through me. . . . I was the person that made the decision and they had no decision making ability at that time." On the other hand, according to the Chief, a shift supervisor has "the discretionary ability and the autonomy to do what needs to be done on [his] shift."

In contrast, the business manager of Local 2665 testified that "all these basic duties [as set out in the current job description of shift supervisor] are all the duties that the crew leader used to do, with or without the chief's approval. . . . Did they have to come to the chief and get approval to do these things? In my recollection, they never had to come back to the chief to do it."

Based on the testimony as a whole, the Board finds that, while the current duties of shift supervisors are more structured than were the duties of crew leaders, there is no substantial difference between the current duties of shift supervisors and the former duties of crew leaders. Shift supervisors may possess a certain express autonomy now, but it is little different from the *de facto* autonomy that was exercised by crew leaders. The greatest difference between the responsibilities of shift supervisors now and the responsibilities of crew leaders is that shift supervisors have been removed from the ambulance crew, thereby relieving them of patient care responsibilities and permitting them to focus on general management of an accident scene. Yet crew leaders, as the senior representatives of the Ambulance District at accident scenes (unless the Chief was present, which caveat also applies now), would also have been in charge of the management of the scene. That shift supervisors may now give more attention to managing the scene makes them no more responsible for that task than were crew leaders.

CONCLUSIONS OF LAW

The District contends that the shift supervisor position should be excluded from the currently certified bargaining unit because it is a supervisory position. The shift supervisor position, however, is merely the former position of crew leader, which is currently included in the certified bargaining unit, recast with some modified and additional duties. That the shift supervisor position is a modification of the crew leader position rather than a wholly new position is evidenced by at least three facts. First, crew leaders were the immediate supervisors of the other paramedics and EMTs on their shifts just as shift supervisors are the immediate supervisor of the other paramedics and EMTs today. Second, in the transition from crew leader to shift supervisor, the two individuals who were crew leaders automatically assumed the role of shift supervisor. The other third shift supervisor was formerly the assistant administrator, who, although not called a crew leader, supervised one of the District's three shifts and continues in that role now. Third, the current labor agreement between the District and Local 2665 refers to the unit clarification petition filed in this matter as "based upon changed duties and responsibilities" of the classification.¹ Thus, the question here is whether a position that has been expressly included in a bargaining unit should now be removed from the unit.

¹ The Board here recognizes that the District quotes the current labor agreement in support of its contention that shift supervisors should be removed from the certified bargaining unit. The labor agreement, signed by representatives of both the District and Local 2665, states that

the parties recognize that the district is in the process of filing a Unit Clarification Petition with the Board of Mediation based upon changed duties and responsibilities for this classification. Furthermore, the parties recognize it is the intent of the District to exclude this classification as in fact being a 'Supervisor' under Missouri law

The District's point seems to be that, through this agreement, Local 2665 has either consented to the exclusion of the shift supervisor position from the bargaining unit or conceded that the changed duties of shift supervisors, as compared to the duties of the position when it was known as crew leader, justify the removal of the position from the bargaining unit. The agreement, however, simply reflects a recognition by Local 2665 that the position has been restructured and that there are some differences between the position's former duties and its current duties and also that the District was going to petition this Board for an order removing the shift supervisor position from the bargaining unit. Local 2665 neither agreed to the exclusion of the position

The Board will not exclude a position (or, stated another way, a class of employees) from a unit previously found appropriate “unless the petitioner first establishes that the duties of those employees in the class have undergone substantial change. A substantial change in the duties of a class of employees is one which alters the basic nature of their job.” *Dept. of Corrections and Human Resources v. Missouri State Council 72, AFSCME*, Case No. UC 89-003, at 12 (SBM 1989) (footnote omitted). See also *Kansas School Dist. v. Kansas City Fed. of Teachers*, Case No. UC 2001-030, at 25 (SBM 2001); *Int’l Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, Local 1107 v. Parkway School Dist.*, Case No. UC 98-039, at 14 (SBM 1998). Requiring proof of a substantial change in duties of a position before it will be removed from a unit in which it has previously been included is intended to promote stability in the meet and confer process established by Missouri’s Public Sector Labor Law (PSLL), §§ 105.500 to 105.530, RSMo , and to reduce turmoil in employer/employee relations. As the Board noted in its *Missouri State Council 72* decision:

If the question of the appropriateness of the inclusion of a particular classification of employees in a particular bargaining unit could be reopened and relitigated before the Board at any time, neither public employees nor their employers could count on the finality of unit certifications of the Board. The composition of bargaining units, which are the foundation upon which the PSLL is built, could be subjected to periodic litigation before the Board, even though there is little or no change in unit employee duties. Such periodic challenges would burden the general public because the Board would be committing its time and other resources to hearing and deciding multiple cases involving identical parties and issues. Controversies over what bargaining unit is appropriate would never be settled. It would also open up the possibility that changes in Board membership would result in the Board reversing its prior unit certifications, in whole or in part, simply because the new members weigh the same facts differently than did their predecessors. Instability of this kind in Board decisions could lead to chaos in the administration of the PSLL. Periodic challenges to unit composition would also subject any meeting and conferring between employer and employees to repeated turmoil. Such turmoil would hamper public employees and their employers in the cooperative resolution of issues relating to the conditions of public employment and, thus, would undermine the purpose of the PSLL.

Case No. UC 89-003, at 11. The “substantial change” standard is well-suited to protect the rights of both public employers and public employees under the PSLL. *Id.* at 11.

from the bargaining unit nor conceded that the changes in duties justify removal of the position from that unit.

The District asserts that the duties of shift supervisors have changed to a great enough degree, in comparison to the duties they had at the time they were included in the bargaining unit as crew leaders, to now justify their exclusion from that unit on the ground that they are supervisors. The Board has consistently held that supervisors cannot be included in the same bargaining unit as the employees they supervise. *Int'l Ass'n of Fire Fighters, Local 2543 v. Poplar Bluff Fire Dept.*, Case No. UC 2000-019, at 12 (SMB 2000); *MNEA, Springfield Educ. Support Personnel v. Springfield R-12 School Dist.*, Public Case No. UC 88-021 (SBM 1988); See also *Golden Valley Mem. Hosp. v. Missouri State Bd. of Mediation*, 559 S.W.2d 581, 583 (Mo. App. K.C. Dist. 1977).

In determining whether the District has met its burden of establishing a change in duties of shift supervisors substantial enough to remove them from the bargaining unit on the ground that they are now supervisors, the Board considers as especially relevant evidence of the changes in duties that relate to the factors the Board normally examines in determining the supervisory status of particular employees. *Missouri State Council 72*, Case No. UC 89-003, at 12. These factors are:

- (1) The authority to effectively recommend the hiring, promotion, transfer, discipline, or discharge of employees;
- (2) The authority to direct and assign the work force, including a consideration of the amount of independent judgment and discretion exercised in such matters;
- (3) The number of employees supervised and the number of other persons exercising greater, similar, and lesser authority over the same employees;
- (4) The level of pay, including an evaluation of whether the person is paid for his or her skills or for his or her supervision of employees;
- (5) Whether the person is primarily supervising an activity or primarily supervising employees; and
- (6) Whether the person is a working supervisor or whether he or she spends a substantial majority of his or her time supervising employees.

Poplar Bluff Fire Dept., Case No. UC 2000-019, at 13 & 19.² Not all of the above factors need to point toward supervisory status for a position to be found to be supervisory and no one factor is determinative. *Id.* at 13. “Instead, the inquiry in each case is whether these factors are present in sufficient combination and degree to warrant the conclusion that the position is supervisory.” *Id.* Of course, in the context of determining whether a position currently in a bargaining unit should be removed from the unit, the focus of the inquiry is not a direct application of these factors to the duties of the position but an assessment of whether the duties of the position, as they relate to these factors, have undergone a change substantial enough to alter the basic nature of the position. The Board now turns to engage in this assessment.

Authority to effectively recommend the hiring, promotion, transfer, discipline, or discharge of employees. Shift supervisors participate in the interviews of persons applying for jobs as paramedics and EMTs. They make a recommendation to the Chief, who then makes a recommendation to the District Board. Crew leaders also participated in interviews and made recommendations to the Chief, who then made his own recommendation to the Board. There was no testimony with regard to whether crew leaders graded an essential functions test given as part of the interview process, as shift supervisors do now. But even if they did not, the addition of this duty is not a substantial departure from past practice. Crew leaders would have been able to elicit information regarding the skill levels of applicants at the interviews they attended whether or not a more formal essential functions test was given.

Shift supervisors have the authority to advise employees of performance problems and to give verbal counseling or issue written warnings. But it is the Chief that decides whether a written warning will be put into the employee’s personnel file. No evidence was presented as to whether crew leaders could engage in counseling or issue written warnings that the Chief might then decide to put in the personnel file. Regardless, investing a position with the authority to

² The courts have set out seven factors for the assessment of supervisory status, but the Board’s six factors are the same as the courts’ seven factors. The courts have simply divided the Board’s second factor into two parts. See *Central County Emergency 911 v. Int’l Ass’n of Firefighters*, 967 S.W.2d 696, 700 (Mo. App. W.D. 1998).

verbally counsel others regarding job performance and to issue written warnings is not, even upon an initial determination of supervisory status, sufficient to turn persons in that position into supervisors. *Int'l Ass'n of Fire Fighters, Local 2665 v. Central County Emergency 911*, Case No. R 95-015, at 14-15 (SBM 1995).

Shift supervisors do not have the authority to suspend or terminate employees. They may make a recommendation for such action to the Chief, who would then decide whether to take the matter to the District Board. Although there was no evidence of the authority of the crew leaders with regard to suspensions and terminations, it could not have been significantly less than the authority of the shift supervisors.

Shift supervisors assess the skills of ambulance crew members by observing them during ambulance calls. They also prepare quarterly and annual evaluations on their subordinates. Crew leaders performed both these functions as well. Besides, the evidence did not reflect what effect, if any, these evaluations play in the hiring, promotion, transfer, discipline, or discharge of crew members.

New crew members serve an initial probationary period during which shift supervisors assess their performance, and then give recommendations to the Chief regarding their performance. Again there is no evidence of what role crew leaders played with regard to probationary employees. But, even if this were an initial determination of supervisory status, the power to make recommendations concerning probationary employees does not make an employee a supervisor. *Teamsters, Local 245 v. Lawrence County Nursing Home Dist.*, Case No. R 94-017, at 13 & 18-19 (SBM 1994); *Golden Valley Registered Nurses Ass'n v. Golden Valley Mem. Hosp.*, Case No. 75-102, at 16-17 (SBM 1980).

Authority to direct and assign the work force, including a consideration of the amount of independent judgment and discretion exercised in such matters. Shift supervisors assign crew members to their shifts. They also assign crew members to particular duties, but the duties are already set out in "a certain list" of daily duties that must be done. If the Chief is not available,

shift supervisors may approve requests from crew members to trade shifts with one another. If a crew member calls in sick, the shift supervisor finds a replacement to fill in.

Although procedures may not have been quite as formal during the time that the crew leader position was in use, the authority and discretion of crew leaders with regard to the direction and assignment of crew members was not substantially different than the authority shift supervisors now exercise. Crew members went to the crew leader for direction. Crew leaders inspected the station, the crew, and the vehicles regularly. They also authorized shift exchanges between crew members when the Chief was absent.

Number of employees supervised and the number of other persons exercising greater, similar, and lesser authority over the same employees. Shift supervisors oversee six ambulance crew members (three ambulance crews of two members each). There is no direct evidence as to the number of crew members that reported to crew leaders. A new satellite station with one crew does seem to have been added recently, so it appears there formerly may have been only two crews. Considering that crew leaders served as members of ambulance crews, they may have been in charge of three crew members (one crew member with whom the crew leader served and another crew of two). If this is so, the number of employees supervised has doubled. But the Board concludes that an increase in subordinates from three to six would not result in a substantial change in duties. The number supervised in either case is small. Such an increase would not alter the basic nature of the job as required by *Missouri State Council 72*, Case No. UC 89-003, at 12.

There has also been no substantial change going up the chain of command. Shift supervisors report to the Chief. Crew leaders also reported to the Chief, who supervised them, just as he is now supervising the shift supervisors. The Chief reports to the Ambulance District Board now, just as he did when the crew leader position was in use.

Level of pay, including an evaluation of whether the person is paid for his or her skills or for his or her supervision of employees. Shift supervisors are paid \$3900.00 per year more than paramedics with the same seniority. There is no evidence concerning either the level of pay

received by crew leaders or the bases on which their pay was determined. As the petitioning party, the District bears the burden of proof. *Central County Emergency 911 v. Int'l Ass'n of Fire Fighters, Local 2665*, 967 S.W.2d 696, 699 (Mo. App. W.D. 1998). In the absence of any evidence to make a comparison between shift supervisors and crew leaders with regard to the level or nature of their pay, the District has failed in its burden of proof as to this factor.

Whether the person is primarily supervising an activity or primarily supervising employees. Shift supervisors are in charge of a shift. So were crew leaders. Shift supervisors have discretion to go on ambulance calls or not, but generally do go on emergency calls. Crew leaders were members of an ambulance crew, so would go on the calls that their crews responded to. When shift supervisors do respond to calls, they manage the scene, while the ambulance crews handle patient care. On occasion shift supervisors will serve as part of an ambulance crew and be involved in patient care. As members of a crew, crew leaders regularly worked with patients but they also monitored field activities during calls.

Under the current job description, shift supervisors “are responsible for the supervision of assigned EMS crews on a specific shift on a day-to-day basis and maintaining the District’s operational readiness.” Thus shift supervisor duties encompass both supervision of employees and supervision of the activities of the District. Crew leaders too managed both employees and general operations during their shifts. They were the ones the other paramedics and EMTs came to for direction. They inspected not only the vehicles and the station, but also the crews.

Both shift supervisors and crew leaders served a dual role as managers of people and managers of activities. The division of the duties between these roles is not substantially different for shift supervisors now than it was when they were called crew leaders.

Whether the person is a working supervisor or whether he or she spends a substantial majority of his or her time supervising employees. There are certain daily duties that must be fulfilled at the stations. Shift supervisors are not required to engage in these daily duties themselves, but often do. Crew leaders also participated in the daily work duties, but did so less than shift supervisors do now.

Shift supervisors complete and sign the daily duty form and submit this form along with related documentation. Crew leaders also completed, signed, and submitted the daily duty forms and associated documents.

Shift supervisors generally manage the scene when they respond to a call by engaging in tasks such as coordinating with fire fighters and police officers on the scene, assessing the need for additional resources, speaking with family members of the patient if they are present, gathering information, and generally handling matters peripheral to patient care. Crew leaders were more involved with patient care at the scene, but were also generally involved in field activities. This change in duties is not substantial, but even if it were, the change does not involve shift supervisors in any additional supervision of crew members. Rather, the change frees the shift supervisor from direct patient care responsibilities so that he can devote his time to handling other important matters at the scene while the crew can focus on the patient.

Summary. Shift supervisors may be somewhat more separated from the ambulance crews than were the crew leaders, but their jobs are basically the same. Just as shift supervisors are responsible for running the shifts in their charge, so too were crew leaders responsible for running their shifts. Just as shift supervisors are in charge of the orderly operation of the station houses, so too were crew leaders in charge of the orderly operation of the one station that existed then. Just as shift supervisors take part in interviews of job applicants and conduct evaluations of their crew members, so too did crew leaders engage in these tasks.

Shift supervisors may have a more defined authority to provide verbal counseling and to issue written warnings than did crew leaders, but, whatever the powers of crew leaders in this regard, the disciplinary role of shift supervisors is not a large one that denotes supervisory status. Shift supervisors are less involved in direct patient care than were crew leaders and now have a more focused role in managing the accident scene. But crew leaders were the senior members of their crews and were also involved in general field operations. Whatever the

difference here, it is not one that entails more employee supervision by shift supervisors than was exercised by crew leaders.

The Board concludes that the duties of shift supervisors have not changed substantially from the duties that they performed when they were crew leaders. There has been no basic alteration in the nature of the job.

ORDER


Because the duties of the position of shift supervisor are not substantially different from the duties of the position of crew leader, the Board denies the District's petition for unit clarification. The certified unit will remain as previously defined.

Signed this 2nd day of February, 2010.

STATE BOARD OF MEDIATION



James G. Avery, Chairman



Peggy Cochran, Employee Member

(SEAL)

Dissenting Opinion
Emily Martin, Employer Member

DISSENTING OPINION

I respectfully dissent from the conclusion of my colleagues that the duties of shift supervisors are not substantially different from the duties they performed when they were crew leaders.

Shift supervisors assign the paramedic and EMT crew members to their shifts. They also assign the crew members to particular tasks to do each day. Regardless of whether some of these tasks are routine ones that must be performed on a regular basis, it is still the shift supervisor that decides who is to do which task. Moreover, not all tasks are routine, everyday work. In any operation, circumstances inevitably arise that require non-routine tasks to be done. And, with regard to the operations of the Washington Area Ambulance District, it is the shift supervisor that is responsible for deciding which crew member to assign these non-routine tasks to. That crew members may have gone to their crew leaders for direction as a matter of custom before the restructuring of the crew leader position to that of shift supervisor does not mean that crew leaders had actual authority, or exercised any implicit authority, to assign work, particularly non-routine work, to them. As the Chief testified, crew leaders came to him to for direction, while shift supervisors have been given the autonomy to make decisions on their own and to do what needs to be done on their shifts. Whatever authority of crew leaders had to direct the work of crew members, the shift supervisors have more independence and discretion to do so.

The removal of shift supervisors from ambulance crews is significant and not just because this allows them to focus on the management of accident scenes. They now may choose not to respond to every call. Although they do generally still go on emergency calls, they are relieved of having to go on nonemergency calls (such as patient transfers). This leaves them more time than they had as crew leaders to supervise the remaining crew members in their work back at the stations.

Shift supervisors also have two stations to supervise, while crew leaders had only one. This requires shift supervisors to concentrate more on employee supervision than they did when they were crew leaders in charge of only one station because they must now formulate

directives for crew members to follow when they are not present. The apparent increase in number of subordinates from three to six is also significant. Not only is this twice the number of subordinates that the shift supervisor must now supervise on an individual basis, but shift supervisors now must also deal with the interrelationships among six crew members instead of among just three crew members, a much more complex task.

Shift supervisors have a more defined role in the hiring and disciplinary processes of the District than did crew leaders, which, taken as a whole, is a substantial change in duties. Crew leaders did take part in the interview of applicants, as do shift supervisors now, but the addition of the essential functions test, scored by shift supervisor, must greatly increase their influence. As the members of the interview panel with professional expertise, their evaluations of the responses of applicants to the patient care and response scenarios presented will have great weight with the nonprofessional Ambulance District Board members that will be making the hiring decision. Shift supervisors also have formal authority to provide verbal counseling to crew members and to issue written warnings for violation of District policies and procedures. Even if crew leaders had informal authority to counsel crew members or to write up complaints to submit to the Chief, the shift supervisors are more likely to exercise a disciplinary role now that they have been separated from ambulance crews and are no longer “just one of the guys.” The verbal and written warnings of shift supervisors will also have more impact now that they have been given responsibility for and autonomy over the crews.

Based on my view of the record, the duties of shift supervisors are substantially different from their duties when they were crew leaders. There has been an alteration in the basic nature of the position. I would grant the unit clarification petition and remove the shift supervisor position from the certified bargaining unit.

A handwritten signature in cursive script, reading "Emily Martin".

Emily Martin, Employer Member